

49.330 Application for award -- Filing of claim form -- Effect of pending criminal prosecution on commission proceedings.

- (1) A claim form may be filed by a person eligible to receive an award, as provided in KRS 49.310 or, if such person is a minor, by his parent or guardian.
- (2) A claim form must be filed by the claimant not later than five (5) years after the occurrence of the criminally injurious conduct upon which such claim is based, or not later than five (5) years after the death of the victim; provided, however, that upon good cause shown, the commission may extend the time for filing if, in a particular case, the interest of justice so requires.
- (3) Claims shall be filed in the office of the commission in person or by mail in accordance with the administrative regulations promulgated by the commission. Only printed claim forms supplied by the commission shall be accepted. The commission shall accept for filing all claims submitted by persons eligible under subsection (1) of this section and alleging the jurisdiction requirements set forth in KRS 49.270 to 49.490 and meeting the requirements as to form in the rules and regulations of the commission.
- (4) Upon filing of a claim pursuant to KRS 49.270 to 49.490, the commission shall promptly notify the United States attorney (if a federal offense is involved), the Commonwealth's attorney or county attorney of the county wherein the crime is alleged to have occurred. If, within ten (10) days after such notification, such United States attorney, Commonwealth's attorney, or county attorney advises the commission that a criminal prosecution is pending upon the same alleged crime and requests that action by the commission be deferred, the commission shall defer all proceedings under KRS 49.270 to 49.490 until such time as such criminal prosecution has been concluded and shall so notify such United States attorney, Commonwealth's or county attorney, and the claimant. When such criminal prosecution has been concluded such United States attorney, Commonwealth's or county attorney shall promptly so notify the commission. Nothing in this section shall limit the authority of the commission to grant emergency awards pursuant to KRS 49.360.

Effective: June 29, 2017

History: Repealed, reenacted, renumbered, and amended 2017 Ky. Acts ch. 74, sec. 33, effective June 29, 2017. -- Amended 1998 Ky. Acts ch. 606, sec. 37, effective July 15, 1998. -- Amended 1990 Ky. Acts ch. 409, sec. 4, effective July 13, 1990. -- Amended 1986 Ky. Acts ch. 299, sec. 4, effective July 15, 1986. -- Amended 1980 Ky. Acts ch. 172, sec. 2, effective June 15, 1980. -- Amended 1978 Ky. Acts ch. 297, sec. 2, effective June 17, 1978. -- Created 1976 Ky. Acts ch. 263, sec. 6.

Formerly codified as KRS 346.060.